

SUMMARY

This Environmental Impact Statement (EIS) identifies and analyzes potential environmental effects that could result from leasing tracts of federal coal within the Freedom Mine West Mine Area, Mercer County, North Dakota. The mine operator (The Coteau Properties Company) filed an application to acquire federal coal as maintenance tracts under federal coal regulations at 43 CFR 3425, Leasing By Application.

The purpose of this EIS is to disclose potential environmental and socioeconomic impacts from leasing and mining federal coal in the West Mine Area (WMA), Mercer County, North Dakota. The need is to acquire federal coal reserves to be mined in conjunction with adjacent private and state reserves resulting in conservation of the coal resource and to supply existing contracts.

The Bureau of Land Management (BLM) prepared this EIS to evaluate site-specific and cumulative environmental and socioeconomic impacts within and around the approved permit area. Although BLM does not authorize coal mining (which is regulated by the State of North Dakota and Federal Office of Surface Mining), impacts of mining are considered because they are a logical consequence of issuing a coal lease.

BLM will use the EIS to decide whether to hold a lease sale and issue a lease for federal coal in the proposed permit area. The sale would be open to any bidder, not only the applicant. A federal coal lease would be issued to the highest bidder as long as a committee determines that the high bid meets the fair-market value of the coal.

The following items are briefly noted:

Private and state coal reserves within the WMA have been permitted by the North Dakota Public Service Commission for mining by The Coteau Properties Company (ND PSC Surface Coal Mining Permit NACT-0201).

The Office of Surface Mining (OSM) is a cooperating agency on this EIS and will use the findings to make decisions related to mining the tracts, if leased.

Lands in the approved permit area were subject to four coal-planning screens and determined as acceptable for consideration for leasing.

Scoping was conducted from March 6, 2003, through April 7, 2003. A Notice of Scoping and Notice of Intent to Prepare an EIS was published in the *Federal Register* on March 6, 2003. Over 190 letters were mailed to interested parties on March 11, 2003.

The Leasing By Application process is, by law and regulation, an open, public, competitive, sealed-bid process. The applicant may or may not be the successful high bidder. This analysis (EIS) assumes the applicant would be the successful bidder and that each tract would be mined as a maintenance tract for the Freedom Mine.

The major coal seam within the permit area is the Beulah-Zap bed, which is 15-22 feet thick, except near the edges of glacial diversion channels. The coal bed dips west at less than one degree and lies beneath overburden ranging from a few feet on the east to nearly 200 feet on the western border.

This EIS analyzes Coteau's Proposed Action and two alternatives for managing federal coal. The Proposed Action (Alternative A) considers leasing the tracts as requested in the lease application. Alternative B (No Action) considers rejecting the lease application, although existing private and state leases at the Freedom Mine would be developed according to approved mining and reclamation plans. Alternative C considers leasing less acres while providing added protection and preservation to cultural resources.

Critical elements of the human environment that could be affected by the Proposed Action include: cultural resources, American Indian concerns, threatened and endangered species, air quality, water quality, prime and unique farmland, invasive nonnative species, wetlands/riparian zones, and environmental justice. Five critical elements, including: Areas of Critical Environmental Concern, wilderness, floodplains, wild and scenic rivers, and hazardous wastes, are not present in the permit area and are not addressed. In addition to critical elements, the EIS discusses potential impacts on soils, alluvial valley floors, vegetation, wildlife, land use, and socioeconomics.

There would be significant impacts on cultural resources under all three alternatives. Because the surface is privately owned and the federal coal reserves are not contiguous, ancillary activities associated with mining would destroy a significant number of prehistoric American Indian stone features whether or not federal coal is leased. Through consultation with tribal representatives, it was determined that mining of the coal would affect the Hidatsa, Mandan, Arikara, Sioux, and Assiniboine. These tribes have well-documented historic ties to the area.

Alternative C, the preferred alternative, incorporates a preservation component for the American Indian stone features. Developed out of tribal consultations, in this alternative the lessee sets aside in trust approximately 1,240 acres, 8 National Register eligible Historic Properties, 191 stone rings, 80 stone cairns, nine stone alignments, one stone effigy and several unmarked burials and provides access to these features for all tribal people. The lessee would also donate a substantial monetary amount to the trust. The alternative also provides for investigations of the archeological information contained in the remaining features.

Leasing would extend the projected lifetime of Freedom Mine without an annual increase in production. Economic stability would be maintained in the communities in this area without placing additional demands on the existing infrastructure or services.